

In the United States District Court  
for the Middle District of Pennsylvania

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Daryl L. Parker,  
Petitioner

v.

United States of America,  
Respondent

Criminal No.1:CR-01-248-03 (J. Caldwell)  
Civil No.

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PETITIONER'S MOTION SEEKING AN ENLARGEMENT OF  
TIME TO FILE A MEMORANDUM OF LAW IN SUPPORT  
OF THE GROUND FOR RELIEF RAISED IN  
PETITIONER'S 'TIMELY FILED' MOTION  
UNDER 28 U.S.C. §2255

Petitioner, Daryl L. Parker, pro se, respectfully requests that this Honorable Court grant Petitioner an enlargement of time (30-60 days) to file a Memorandum of Law in support of the single ground for relief in which Petitioner has raised in his 'timely filed' motion brought pursuant to 28 U.S.C. §2255.

Petitioner implores this Honorable Court to grant the enlargement of time to afford Petitioner the opportunity to "add meat to the bare bones of the [ineffective assistance of counsel claim, viz., that counsel failed to interview and/or investigate witnesses whom were relevant to Petitioner's theory that he was not a member of the charged conspiracy] listed in his [timely filed] petition." United States v. Thomas, 221 F.3d 430, 436 (3rd Cir.2000). Petitioner's

request is wholly consistent with Thomas which held that a district court may in its discretion permit an amendment which clarifies or amplifies a claim or theory raised in a timely filed §2255 petition after the AEDPA's one year limitation period has expired.

WHEREFORE, for the foregoing reasons Petitioner most respectfully requests that this Honorable Court grant the additional time to file the Memorandum of Law in support of the timely filed §2255 petition.

Dated: 10/11/07

Respectfully Submitted,

/s/ Daryl L. Parker  
Daryl L. Parker  
Reg.No.  
FCI SCHUYLKILL  
P.O. BOX 759  
Minersville, PA. 17954-0759

## PROOF OF SERVICE

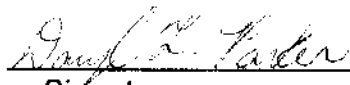
I certify that on 10-11-07 (date) I mailed a copy of this brief and all attachments via first class mail to the following parties **at the addresses listed below:**

Thomas A. Marino  
United States Attorney  
228 Walnut Street  
Suite 220  
Harrisburg, PA. 17108-1754

## PROOF OF SERVICE FOR INSTITUTIONALIZED OR INCARCERATED LITIGANTS

In addition to the above proof of service all litigants who are currently institutionalized or incarcerated should include the following statement on all documents to be filed with this Court:

I certify that this document was given to prison officials on 10-11-07 (date) for forwarding to the Court of Appeals. I certify under penalty of perjury that the foregoing is true and correct. 28 U.S.C. §1746.

  
\_\_\_\_\_  
Signature

Dated: 10-11-07

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